

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

THOMAS C. BIRCHFIELD,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 3:23-cv-252
v.)	
)	Judge Atchley
)	
STATE OF TENNESSEE,)	Magistrate Judge McCook
)	
<i>Defendant.</i>)	
)	

ORDER

On August 28, 2023, United States Magistrate Judge Jill E. McCook filed a Report and Recommendation [Doc. 5] pursuant to 28 U.S.C. § 636 and the Rules of this Court. The Magistrate Judge granted Plaintiff’s Motion for Leave to Proceed In Forma Pauperis [Doc. 1] and recommends that the undersigned dismiss the Complaint [Doc. 2]. Magistrate Judge McCook screened the Complaint pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915, and found that because Plaintiff has not alleged any injury, he lacks standing to challenge Tenn. Code Ann. § 39-14-414. [Doc. 5 at 4–5]. Judge McCook further found that the State of Tennessee is immune from Plaintiff’s suit pursuant to the Eleventh Amendment. [*Id.* at 5].

Plaintiff has not filed an objection to the Report and Recommendation.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge McCook’s well-reasoned conclusions.

¹ Magistrate Judge McCook advised that the parties had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 5 at 6 n.4]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge McCook's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 5]. Plaintiff's Motion for Leave to Proceed In Forma Pauperis [Doc. 1] is **GRANTED**, and Plaintiff's Complaint [Doc. 2] is **DISMISSED**.

SO ORDERED.

/s/ *Charles E. Atchley, Jr.*
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE